

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NANOCO TECHNOLOGIES LTD.,

Plaintiff,

V.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

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CIVIL ACTION NO. 2:20-CV-00038-JRG

ORDER

Before the Court is Plaintiff Nanoco Technologies Ltd.’s (“Nanoco”) Unopposed Motion to Dismiss Under Rule 41 and Rule 12 (the “Motion”). (Dkt. No. 269.) In the Motion, Nanoco informs the Court that in an effort to narrow its case and streamline and focus the issues for trial, Nanoco voluntarily withdrew its assertion of all previously asserted claims of U.S. Patent No. 8,524,365 (the “’365 Patent”) against Defendant Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (together, “Samsung”). Additionally, as part of its case narrowing to streamline trial, Nanoco voluntarily withdrew its assertion of previously asserted claims 1 to 13 of U.S. Patent No. 7,588,828 (the “’828 Patent”) and previously asserted claims 7, 8, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, and 25 of U.S. Patent No. 7,803,423 (the “’423 Patent”). Accordingly, Nanoco moves under Rule 41(a)(2) to dismiss without prejudice Count I (Infringement of the ’828 Patent) as to claims 1 to 13, Count II (Infringement of the ’423 Patent) as to claims 7, 8, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, and 25, and Count IV (Infringement of the ’365 Patent) as alleged in its Complaint. (*See* Dkt. No. 1 at 9–12, 14–15.) Nanoco also moves under Rule 12(b)(1) to dismiss Samsung’s associated counterclaims: First Counterclaim (Non-infringement of the ’828

Patent) and Second Counterclaim (Invalidity of the '828 Patent) as to claims 1 to 13; Third Counterclaim (Non-infringement of the '423 Patent) and Fourth Counterclaim (Invalidity of the '423 Patent as to claims 7, 8, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, and 25; and Seventh Counterclaim (Non-infringement of the '365 Patent) and Eighth Counterclaim (Invalidity of the '365 Patent) as alleged in its Answer and Counterclaims. (*See* Dkt. No. 21 at 16–18, 20–21.) Samsung does not oppose. (Dkt. No. 269 at 3.)

Having considered the Motion, and noting that it is unopposed, the Court finds that it should be and hereby is **GRANTED**. Accordingly, it is **ORDERED** that:

- Nanoco's Count I (Infringement of the '828 Patent) as to claims 1 to 13, Count II (Infringement of the '423 Patent) as to claims 7, 8, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, and 25, and Count IV (Infringement of the '365 Patent) as alleged in its Complaint are dismissed without prejudice.
- Samsung's First Counterclaim (Non-infringement of the '828 Patent) and Second Counterclaim (Invalidity of the '828 Patent) as to claims 1 to 13; Third Counterclaims (Non-infringement of the '423 Patent) and Fourth Counterclaim (Invalidity of the '423 Patent) as to claims 7, 8, 12, 14, 15, 16, 18, 19, 20, 21, 22, 24, and 25; and Seventh Counterclaim (Non-infringement of the '365 Patent) and Eighth Counterclaim (Invalidity of the '365 Patent) are dismissed.

The Clerk of the Court is directed to **MAINTAIN AS OPEN** the above-captioned case as other claims remain.

So Ordered this

Sep 9, 2022



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE